REMARKS

Claims 20-25 have been canceled without prejudice or disclaimer as to the subject matter recited therein. Claims 1, 11, 13, and 19 have been amended. Thus, claims 1-19 remain pending in the captioned case. Further examination and reconsideration of the presently claimed application are respectfully requested.

Section 102 Rejection

Claims 1-25 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2001/0033284 to Chan (hereinafter "Chan"). The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art of reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131. Using these standards, Applicants submit the cited art fails to disclose each and every element of the currently pending claims, some distinctive features of which are set forth in more detail below.

Chan does not teach or suggest web-based virtual advertising, where both a web server (first computer) and an ad server (second computer) are used to maintain respective first and second images, and where the web server and ad server are separate and distinct from each other, connected only by a network. Present independent claims 1 and 13 recite both a web server and an ad server. The web server certainly is not the ad server and cannot be construed as such. Moreover, the web server and the ad server are distinct first and second computers separated from each other, yet coupled to one another by a network.

A basic benefit of having both a web server and an ad server separated from each other by a network falls primarily upon the application claimed in the present independent claims 1 and 13. Specifically, claims 1 and 13 recite "virtual advertising." As set forth in the present specification, virtual advertising can be accomplished by maintaining the content on the web server as is. Since the web server content seldom changes, images stored in the web server can be combined with images stored on an ad server. Like the web server, various images on the ad server also rarely change. Thus, unlike Chan, changes to dynamic files are not usually a large problem when applied to the present context. Thus, bandwidth limitations of a server having to be constantly changed to reflect dynamically changing images

or movement of those dynamic changes to a client, which then combines those changes with static files, is certainly not an aspect being addressed in the present specification.

Instead, the present specification deals with the ability to maintain advertising content separate and apart from HTML files stored on a web server. The separate and distinct ad server will then maintain a second (advertising) image which can then be superimposed upon a first HTML web server image by an editor. Maintaining the first and second images upon separate and distinct servers is certainly not a "logical division" of a single server as suggested on page 2 of the Office Action.

Contrary to two separate servers connected by a network, Chan discloses only a single server. Moreover, Applicants disagree that Chan somehow suggests one server that supplies a base image and "another server supplies the dynamic image" as alleged on page 2 of the Office Action. Chan only describes a single server primarily because Chan requires the single server to extract dynamic images from a base image on the same computation device (Chan -- ¶¶ 0013-0014). The larger base (static) image is cached on the server as well as the smaller dynamic image portions (Chan -- ¶ 0021). Caching the static and dynamic images upon the server allows for Chan to draw those compiled images from the single server onto, e.g., a client computer (Chan -- ¶¶ 0013, 0021, 0036).

Nowhere in Chan is there any suggestion of using two separate computational devices (a web server and an ad server) for storing a pair of images to be combined by an editor, as presently claimed. Applicants respectfully disagree with any suggestion made in the Office Action that "the server" of Chan is somehow a separate and distinct pair of servers connected by a network to achieve virtual advertising via a web server and an ad server as claimed.
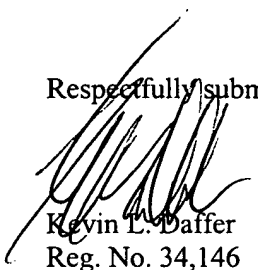
For at least the reasons stated above, Applicants contend that the independent claims 1 and 13, as well as claims dependent therefrom, are patentably distinct from Chan. Applicants respectfully request removal of this rejection.

CONCLUSION

This response constitutes a complete response to all issues raised in the Office Action mailed June 17, 2003. In view of remarks traversing the rejections, Applicants assert that pending claims 1-19 are in condition for allowance. If the Examiner has any questions, comments or suggestions, the undersigned attorney earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Conley Rose, P.C. Deposit Account No. 03-2769/5468-05800.

Respectfully submitted,

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